

IN THE SENATE OF THE UNITED STATES.

JUNE 10, 1858.—Ordered to be printed.

Mr. IVERSON made the following

REPORT.

[To accompany Bill S. 420.]

The Committee on Claims, to whom was referred the Senate bill No. 420, "For the relief of James Collier," together with papers in relation to the claim of James Collier, report:

The claim which the bill referred to the committee is intended to liquidate originated in the loss of certain public money from the office of the deputy collector of Monterey, in California. A suit, in which the merits of this claim as well as many other matters in controversy between the United States and Mr. Collier were involved, was tried in the United States circuit court for the southern district of New York in 1856, in which the following was added to the usual judgment, that the defendant go without day: "And it is further considered and certified that the said balance of \$8,110 29, so due from the United States, be certified in his favor.

"Judgment signed this 29th day of October, A. D. 1856.

"R. E. STILLWELL, *Deputy Clerk.*"

Which judgment was affirmed by the Supreme Court, April, 1858.

The matter having been brought to the attention of the Secretary of the Treasury, he says, in a letter addressed to the chairman of the Finance Committee: "While the department does not concur with the decision of the court below, confirmed by the Supreme Court of the United States upon an equal division of opinion of said court, yet an appropriation to pay said claim by Congress will be necessary, as the department has no fund out of which to pay the same."

Under these circumstances, the committee report the bill back to the Senate, with an amendment.

